

## **REMARKS**

Claims 9, 15 and 21-32 are pending in this application. Attached hereto is a complete listing of all claims in the application, with their current status listed parenthetically. By this Response, claims 15, 22, 26 and 30 have been amended.

### **Rejection Under 35 U.S.C. § 102(b)**

In paragraphs 4-5 Office Action, claims 9, 15 22, 25-26 and 28 stand rejected as anticipated by U.S. patent 5,721,842 ("Beasley"). Applicant traverses the rejection.

#### **A. The Law of Anticipation and Enabling Prior Art References**

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P. § 2131. The identical invention must be shown in as complete detail as is contained in the claim. *Id.*

However, Applicant submits that amended independent claims 15, 22 and 26 have elements that cannot be found, either expressly or inherently, in Beasley. Support for the below amendments can be found in Applicant's originally-filed specification, for example, FIGS. 1-1A, pages 6-7, and in other locations of the originally-filed specification. Amended independent claim 15 now recites:

15. A video game apparatus, comprising,  
    a single housing having a support for a video monitor therein; and  
    a control module communicating with the video monitor and comprising  
an arcade control for a video game, the control module structured to be  
compatible for use with a plurality of different video game systems, where the  
plurality of different video game systems are located within the single housing.

Similarly, amended independent claims 22 and 26 recite as follows:

22. A video game control system comprising;  
    a single housing;  
    at least one controller located within the single housing; and  
    a control device interconnected to the controller, by which operation of the video game control system may be controlled to play selectively from at least two different video game systems located within the single housing.
26. An apparatus, comprising:  
    a single housing; and  
    a control module comprising an arcade control, the control module structured to be compatible for use with a plurality of different game systems located within the single housing.

Beasley has no teaching or suggestion of locating the plurality of different video game systems within a single housing. Instead, Beasley teaches an interconnection system for viewing and controlling remotely connected computers. Specifically, Beasley teaches a computerized switching system for coupling a workstation to a remotely located computer (Abstract). As shown in FIG. 1, each computer A, B and C includes its own housing and each computer A, B and C is remotely located with each computer having its own keyboard, mouse, and video monitor (col. 2, lines 59-64, and col. 1, lines 19-21).

Applicant respectfully submits that the above-described amendments and the accompanying response has traversed the rejection of independent claims 15, 22 and 26. Claims 9, 25 and 28 depend from one of independent claims 15, 22 or 26, and accordingly it is respectfully submitted that the rejection of claims 9, 25 and 28 has been traversed by virtue of their dependency from one of independent claims 15, 22 or 26. See M.P.E.P. § 2143.03.

**1<sup>st</sup> Rejection Under 35 U.S.C. § 103(a)**

In paragraphs 6-7 of the Office Action, claims 23-24, 27 and 30-31 stand rejected as unpatentable under 35 U.S.C. § 103(a) over Beasley in view of Official Notice. Applicant traverses the rejection. Amended independent claim 30 now recites the following:

An apparatus, comprising:

a single housing; and

a control module comprising an arcade control for a video game, the control module structured to be compatible for use with a plurality of video game systems located within the single housing, the plurality of video game systems selected from the group consisting of: a MICROSOFT XBOX, a SONY PLAYSTATION, a PC-based computer system, a MACINTOSH computer system, and a combination of two or more thereof.

As discussed above, Beasley fails to teach locating the plurality of different video game systems within a single housing. In addition, Applicant notes that the Examiner takes Official Notice of the fact that "PC-based computer systems and Macintosh computer systems were used a server computers."

Applicant respectfully traverses the Examiner's assertion and requests a reference in support of his position. See M.P.E.P. § 2144.03(C). Specifically, the Examiner's own statements are used to provide the teachings missing in the cited art, Beasley. Should the Examiner possess personal knowledge concerning the intrinsic obviousness of these missing teachings, Applicant requests that the Examiner support the data with an affidavit. See 37 CFR 1.104(d)(2), which states:

"When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data should be as specific as possible and the reference must be supported, when called for by the applicant, by the affidavit of such employee. . ."

Applicant respectfully requests such an affidavit from the Examiner, as the Examiner is relying on his own statements to provide the teachings missing in Beasley, contrary to the rule against such a course of action as mandated in M.P.E.P. § 2143.03.

In view of the above discussion, Applicant respectfully requests the Examiner reconsider and withdrawal this rejection of independent claim 30. Claims 23-24, 27 and 31 depend from one of independent claims 30, 15, 22, or 26 (which have been distinguished from the cited art above), and accordingly it is respectfully submitted that the rejection of claims 23-24, 27 and 31 has been traversed by virtue of their dependency from one of independent claims 30, 15, 22, or 26. See M.P.E.P. § 2143.03.

#### **Subsequent Rejections Under 35 U.S.C. § 103(a)**

In paragraphs 8-9 of the Office Action, claims 21, 29 and 32 stand rejected as unpatentable under 35 U.S.C. § 103(a) over Beasley in view of U.S. patent 6,151,645 ("Young") and Official Notice. Applicant traverses the rejection.

Claims 21, 29 and 32 depend from one of independent claims 26 or 30, which have been distinguished from the cited art above. Young fails to provide the teachings missing in the above-cited references, and thus, Beasley and Young, viewed individually or in combination, fail to teach or suggest the elements found in independent claims 26 or 30. As claims 21, 29 and 32 depend from one of independent claims 26 or 30 it is respectfully submitted that the rejection of claims 21, 29 and 32 has been traversed by virtue of their dependency from one of independent claims 26 or 30. See M.P.E.P. § 2143.03.


### Conclusion

Applicant believes that this Response has addressed all items in the Office Action and now places the application in condition for allowance. Accordingly, favorable reconsideration and allowance of claims 9, 15 and 21-32 at an early date is solicited. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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Date



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